

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
CENTRAL DIVISION

Case No. 04-40256-FDS

Robert J. Killion, Jr.) Civil Action No. 04-40256-FDS
Plaintiff,)
v.)
Mainship Corporation and)
Commonwealth Yachts)
Defendants.)

**PLAINTIFF OPPOSITION TO THE DEFENDANTS MOTION TO DISMISS FOR
LACK OF PERSONAL JURISDICTION**

The plaintiff, Robert J. Killion, Jr (the "Plaintiff") hereby opposes the Defendant, Commonwealth Yachts, Inc.s (the "Defendant") Motion to Dismiss pursuant to Fed. R.Civ.P. 12(b)(6) for Lack of Personal Jurisdiction.

In support of this opposition, the Plaintiff states that sufficient contact exists pursuant to M.G.L. c. 233A §3 for an assertion of jurisdiction over the Defendant.

In further support of this opposition, the Plaintiff refers to and incorporates by reference those facts contained in the Plaintiffs Memorandum of Law in Support its Opposition to Defendants Motion to Dismiss and the Affidavit of Robert J. Killion, Jr.

WHEREFORE, the Plaintiff respectfully requests that the Defendants motion be dismissed and grant such other and further relief as is meet and just.

Respectfully Submitted,
The Plaintiff,
By His Attorney,



John M. Wozniak
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Mendon, MA 01756
(508) 478-3788

Dated: February 4, 2005

CERTIFICATE OF SERVICE

I, John M. Wozniak, hereby certify that a true and accurate copy of the forgoing Motion was served on the below-indicated parties via facsimile and regular mail, postage prepaid this 4th day of February, 2005.

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